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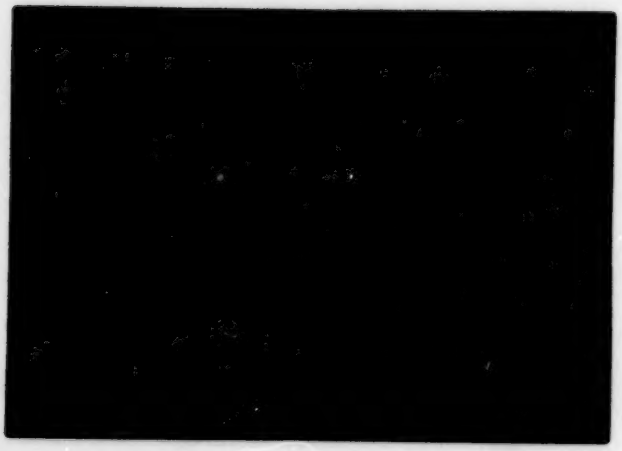
WORKING PAPER 28

HUMANITARIAN CEASEFIRES: AN EXAMINATION OF THEIR POTENTIAL CONTRIBUTION TO THE RESOLUTION OF CONFLICT

BY ROBIN HAY

17 July 1990



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PREFACE

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EXECUTIVE SUMMARY

The point of departure for this study is that conflicts are fought for different reasons -- interests or needs -- therefore their resolution may be best achieved using different but compatible approaches.

One such approach is the "humanitarian ceasefire". A humanitarian ceasefire is defined as a finite halt in the conduct of an armed conflict so that a particular need of the population in the war zone may be addressed. Ministering to that need, whether to raise the immunization level of children in the war zone or to prevent mass starvation of the civilian populace, is calculated to be in the interest of the parties in combat.

The conduct of a humanitarian ceasefire can be thought of as a peacebuilding enterprise. It requires of the belligerents cooperation to fulfil a common goal. In this sense, it can facilitate communication and contribute to building trust between combatants.

Three such humanitarian ceasefires are examined in this paper: El Salvador (1985), Lebanon (1987), and the Sudan (1989). The argument is then made that such peacebuilding enterprises are worthwhile as gestures of peace, providing the antagonists with a concrete example of how they might collaborate to attend to a problem. Furthermore, the humanitarian ceasefire can sometimes provide the opportunity or excuse for combatants to engage in negotiations leading to a more permanent peace settlement.

Next, an attempt is made to associate the humanitarian ceasefire process with established theories on conflict resolution evident in the literature. The problem-solving approach to conflict resolution practised by John Burton and others is one method. Problem-solving workshops are an attempt to open communication between opposing parties thereby realigning the perceptions each has of the other and perhaps building trust that can eventually lead to conflict deescalation. The humanitarian ceasefire hopes to achieve similar ends. Also, the trust engendered between aid-giver and the parties in conflict during a prolonged humanitarian effort sometimes results in the aid-giver being

identified by the conflicting parties as the most appropriate third-party for helping them to resolve their differences.

The paper concludes with an exploration of the ways in which peacekeeping forces and the humanitarian ceasefire process might be used to complement each other and further the cause of peace. The argument here is that peace has a better chance of being established when peacekeeping is accompanied by concerted efforts at peacebuilding and peacemaking. Similarly, a peacebuilding enterprise, such as a humanitarian ceasefire, may benefit by the presence of peacekeeping forces that help to secure the peace.

CONDENSÉ

Dans la présente étude, l'auteur part du principe que tous les conflits n'ont pas les mêmes motifs (intérêts ou besoins); par conséquent, la meilleure façon de les résoudre consistera sans doute à utiliser des techniques différentes, mais compatibles. L'une de ces techniques est le «cessez-le-feu humanitaire», qui consiste à arrêter un conflit armé pendant une période limitée afin de répondre à un besoin précis de la population dans la zone de guerre. On estime qu'il est dans l'intérêt des belligérants de satisfaire à un tel besoin, qu'il s'agisse d'augmenter le degré d'immunisation des enfants ou d'éviter que la population civile soit décimée par la faim.

La mise en place d'un cessez-le-feu humanitaire peut être considérée comme une entreprise d'édification de la paix. Elle suppose que les belligérants acceptent de collaborer pour atteindre un but commun. À cet égard, elle peut faciliter la communication et contribuer à établir la confiance entre ces derniers. Dans le présent document, l'auteur examine trois cas où il y a eu cessez-le-feu humanitaire : le Salvador en 1985, le Liban en 1987 et le Soudan en 1989.

L'auteur estime que de telles entreprises d'édification de la paix favorisent effectivement l'instauration de cette dernière et qu'elles montrent concrètement aux belligérants divers moyens de collaborer afin de résoudre un problème. Qui plus est, le cessez-le-feu humanitaire peut parfois leur donner l'occasion ou le prétexte d'entamer des pourparlers susceptibles de déboucher sur un règlement pacifique plus durable.

Ensuite, le document établit un lien entre le cessez-le-feu humanitaire et les théories reçues de règlement des conflits, que véhiculent la documentation spécialisée. Parmi les méthodes de règlement, citons celle pratiquée par M. John Burton. Dans les ateliers sur le règlement de problèmes, on tente d'établir la communication entre des parties en conflit, ce qui leur permet de corriger l'idée qu'elles se font l'une de l'autre et, sans doute, d'instaurer un climat de confiance susceptible d'aboutir à une désescalade du conflit. Le cessez-le-feu humanitaire vise des objectifs semblables. En outre, pendant un cessez-le-feu humanitaire prolongé, il se crée entre les belligérants et le fournisseur d'aide une telle confiance que les uns considèrent parfois l'autre comme la tierce partie la mieux placée pour les aider à régler leur conflit.

Dans la conclusion du document, l'auteur passe en revue les moyens que l'on pourrait utiliser pour assurer la complémentarité entre les forces de maintien de la paix et le cessez-le-feu humanitaire. Il est plus facile de restaurer la paix quand les parties en conflit collaborent avec les forces de maintien de la paix pour établir et édifier un régime de paix. De même, la présence de telles forces peut contribuer au succès d'un effort de pacification comme le cessez-le-feu humanitaire.

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INTRODUCTION

One hears often lately the refrain, "peace is breaking out all over." Would that it were so. The Stockholm International Peace Research Institute lists in the latest edition of its yearbook, 32 major armed conflicts being waged worldwide in 1989, down from a level of 36 during 1987. Though the trend is encouraging, it hardly justifies the refrain.

What **has** begun to develop, in terms of East-West relations at least, is the slow realization that there is more to be gained from international cooperation and quiet diplomacy than from sabre rattling and military blustering. This has been reflected in a resurgence of the United Nations (UN) as a widely respected and widely utilized international institution for contributing to the resolution of armed conflicts. Since 1987 five new UN peacekeeping or observer operations have been implemented: the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP); the United Nations Iran-Iraq Military Observer Group (UNIIMOG); the United Nations Angola Verification Mission (UNAVEM); the United Nations Observer Group in Central America (ONUCA); and, in Namibia, the United Nations Transition Assistance Group (UNTAG). These operations are the first new UN peacekeeping or observer missions to be established since 1981. They are the first UN operations of their type to be established outside the Middle East since 1965.

This revival in the willingness of nations to resort to the UN is significant on one level and on another it is not. In the first instance, it signifies, perhaps, the dawning of a new era in multilateral cooperation to resolve military conflicts. But at the same time the method used, that of peacekeeping, is still subject to the criticism that, rather than contributing to the resolution of conflict, it tends to institutionalize it. In a "new era" it is perhaps time to pay more attention to new methods which will not replace peacekeeping but supplement it.

One new approach to the process of conflict resolution has been suggested by the Canadian Committee for Five Days of Peace. Taking advantage of UNICEF's campaign to immunize the worlds children by 1990, this group proposes the negotiation of five-day "humanitarian ceasefires" in zones of conflict in order to immunize the children living there.

Not only will this enable those children to be immunized against infectious disease where, because of the war, they otherwise might not be, it will also provide a reason for peace. The logic is that stopping a war for five days might serve as a first step to bringing about a more permanent ceasefire.

This study will analyze the contributions which humanitarian ceasefires may make to the process of conflict resolution. The procedure will be to examine both the traditional approach to conflict resolution practised by the UN and a non-traditional approach represented by the negotiation of a humanitarian ceasefire. Peace, like war, does not have one identifiable cause. Therefore it behooves us to see how various approaches to conflict resolution can complement each other and culminate in more successfully achieving the same ultimate objective.

CHAPTER 1: **ESTABLISHING A BASIS FOR ACTION**

1.1 Civilian Casualties of War in the 20th Century

The statistics of war are seldom uplifting. Never has this been more true than in the 20th century. Ninety per cent of all war deaths since 1700 can be accounted for in this century. Between 1960 and 1980, eighty-one major wars were fought. More wars have been fought in the 1980s than in any other decade in history, and more wars were underway in 1987 than in any previous year on record.[1] The trend, as the century progresses, seems to be toward more frequent and more lethal wars; and for no one is war more lethal today than the innocent-bystander. It has been estimated that in the 18th, 19th and 20th centuries, civilian non-combatants accounted for approximately 50 percent of all war-related deaths. In the 1980s, so far, they account for eighty-five per cent of those deaths.

These statistics represent an enormous and tragic irony. Much of the revulsion we feel for nuclear weapons grows out of the knowledge that a nuclear exchange inevitably would involve the deaths of millions of innocent children, women and men. This moral dilemma has been a key factor in the nuclear debate since 1945.[2] Yet, we in the developed world seem oblivious to the fact that in the conventional wars being waged today it is the non-combatants who account for the majority of casualties.[3]

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[1] The statistics on war in this section are taken from Ruth Leger Sivard, *World Military and Social Expenditures 1987-1988*, Washington D.C.: World Priorities, 1987. Like others, Sivard defines war as "any armed conflict which includes one or more governments, and causes the deaths of 1,000 or more people per year."

[2] In his study of nuclear strategy, Lawrence Freedman draws attention to this fact, especially as it related to the development in the 1960s of the doctrine of mutual assured destruction. See: Lawrence Freedman, *The Evolution of Nuclear Strategy*, New York: St. Martin's Press, 1981, pp. 348-350.

[3] It should be understood that, according to Sivard, all of the twenty-two conflicts being waged in 1987 were taking place in the third world. This may help explain -- but does not excuse -- why Canadians and others in the developed countries may feel insulated from casualty rates, civilian or military. See: Sivard, *supra* note 1, p. 28.

This is an ominous portent. It indicates that mankind's traditional rejection of civilians as legitimate military targets in war is more in danger of being eroded by the constant tide of conventional conflict than it is of being swept away in a nuclear holocaust. This danger argues strongly for international efforts that call attention to, and address the situation of, civilians in war zones, where death as a direct result of the conflict is as common as death by hunger and disease -- both indirect byproducts of war.

The plight of the civilian in war-zones is one in which the circumstances of war are in conflict with the basic human rights of the population. It is, as well, a situation where humanitarian assistance is often necessary to relieve the suffering of civilians, while calling attention to, and helping to restore to them, at least some of their basic human rights. A formidable obstacle to such assistance, however, is the ongoing war. One way to overcome this obstacle, tried and proven in El Salvador (1985), Lebanon (1987) and the Sudan (1989), is to arrange for a temporary cessation of military hostilities in order that the victims of war may be provided with humanitarian relief. The grounds for the ceasefire, of course, will depend upon the nature of the relief required or proposed. But whatever the grounds, they alone may not be enough to convince the parties in conflict to agree to a temporary halt in fighting. Further leverage for those seeking to arrange such "humanitarian ceasefires" can be found in the appropriate international statutes regarding human rights, humanitarian assistance and the obligations of parties in armed confrontation.

1.2 The Laws of War

In the Charter of the United Nations, Articles 1, 55 and 56 establish the link between peace, human rights, the resolution of problems of a humanitarian nature and the responsibility of United Nations members to promote all three.[4] Article 1 states, in part, that the purpose of the United Nations is to maintain international peace and security, develop friendly relations among nations, achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and promote and encourage respect for human rights. More explicitly, Article 55 refers to the

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[4] *Charter of the United Nations and Statute of the International Court of Justice*, New York: United Nations Office of Public Information, 1987.

dependent relationship between humanitarian problems, human rights issues and the conditions of peace. It states, among other things, that in order to create conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations, the UN shall promote:

> solutions of international economic, social, health and related problems; and international cultural and educational cooperation; and
>
> universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56 pledges all members to take joint and separate action in cooperation with the UN to achieve the purposes set forth in Article 55.

These Articles comprise the nucleus of potential United Nations action in defence of human rights and in promotion of humanitarian enterprises.[5] The Charter does not, however, define those human rights in any detail or establish the conditions of humanitarian aid. This is done in supplementary documents. Cited together they amount to a formidable injunction on behalf of those attempting to negotiate humanitarian ceasefires. They are exemplified by: The Geneva Conventions of 1949 and the Additional Protocols of 1977; The Universal Declaration of Human Rights; The International Covenants on Human Rights; and the Convention on the Prevention and Punishment of Genocide. These documents will be discussed in terms of the various Articles contained therein that may be particularly germane for those hoping to arrange humanitarian ceasefires.

The Universal Declaration of Human Rights

The most basic human right contravened by war is the right to life. This right is inherent, and is established by Article 3 of The Universal Declaration of Human Rights,

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[5] See: Peter Macalister-Smith, *International Humanitarian Assistance: Disaster Relief Actions in International Law and Organization*, Dordecht, Netherlands: Martinus Nijhoff, 1985, pp. 57-59.

which states that everyone has the right to life, liberty and security of person.[6] In war, loss of life is inevitable. Soldiers, due to the nature of their profession, are often obliged to forfeit this human right in wartime. Civilians have no such obligation. Yet, as either a direct or indirect result of prolonged armed conflict, the civilian's right to life is often forfeited. It is those situations where loss of civilian life is avoidable or preventable that should be the focal point of international action on their behalf.

The Articles in the Universal Declaration that address quality of life provide the basis of such action. Article 25, for example, states:

> 1. Everyone has the right to a standard of living adequate for the health, and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
>
> 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The stipulations in paragraph 1 of this Article provide grounds for humanitarian intervention even when conditions for civilians in war zones are less than immediately life-threatening. The reference in paragraph 2 to special care for mothers and children tends to intensify the salience of these conditions in regard to both those groups, making intervention on their behalf even more compelling.

International Covenants on Human Rights

The Universal Declaration of Human Rights was augmented in 1966 by the UN's proclamation of the International Covenants on Human Rights.[7] They consist of two

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[6] *The Universal Declaration of Human Rights*, New York: United Nations Department of Public Information.

[7] *International Covenants on Human Rights*, United Nations General Assembly Resolution 2200 (XXI), 16 December 1966.

Covenants and an Optional Covenant. Article 6(1) of the International Covenant on Civil and Political Rights elaborates on Article 3 of the Universal Declaration. It states that every human being has the right to life; that this shall be protected by law; and, most importantly, that no one shall be arbitrarily deprived of his life. When the ravages of war rent the economic and social fabric of a society, the ability of the state to provide adequate food and medical care for its citizens is diminished. When this lack of food or medicine is potentially life-threatening, a state's refusal to permit provision by outside international or humanitarian organizations could be interpreted as arbitrarily depriving the civilian recipient of his/her right to life.

Article 12, of the International Covenant on Economic, Social and Cultural Rights, develops and improves upon the reference in the Universal Declaration to the right of everyone to an adequate standard of living. Paragraph 1 of Article 12 states that everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. Paragraph 2 stipulates that the full provision of this right includes provision by states parties for: (a) the reduction of the still-birth rate and of infant mortality, and for the healthy development of the child; (b) the improvement of all aspects of environmental and industrial hygiene; (c) the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and (d) the creation of conditions which would assure to all, medical service and medical attention in the event of sickness.

Article 12 is important for several reasons. The requirement that states parties provide their citizens with the highest standard of physical and mental health attainable could be interpreted to allow for the possibility of outside intervention if this high standard cannot be met by the state. The reference to high, rather than merely adequate, standards of health, suggests the possibility of humanitarian action early in a conflict, before standards have dropped too far. Article 12 is important also because it identifies child and infant-mortality rates as particular concerns and cites the responsibility of states parties to prevent epidemic and other diseases. This is an especially useful clause for those seeking to argue in support of humanitarian, and particularly immunization, ceasefires. No less important in this regard, is the responsibility of states parties to "create conditions" that will assure

medical service to all. Again, the argument could be made that, often, only through a ceasefire will it be possible to create those conditions.

Convention on the Prevention and Punishment of Genocide

The Convention on the Prevention and Punishment of Genocide is another useful instrument for those who would quote international law in the defence of civilians in war-zones.[8] It confirms that genocide is a crime under international law which the signatories undertake to prevent and punish. This convention includes, under the definition of genocide, deliberate infliction on a national, ethnic, racial or religious group, conditions of life calculated to bring about its physical destruction in whole or in part. According to this definition, the denial of food or medicine to certain sectors of a population in a war-zone, especially when such assistance has been offered, would qualify as genocide.

Declaration on the Rights of the Child

When considering childhood immunization ceasefires, it should be remembered that children are entitled to the same human rights as their parents. Indeed, the various conventions and declarations that have been discussed, invariably single out children for special care. The unique case of children has been recognized as well in declarations and conventions developed specifically to serve them. Notable is the Declaration on the Rights of the Child.[9] Proclaimed in 1959, the preamble to this Declaration concludes that the child, by reason of physical and mental immaturity, requires special safeguards. Principle 4 accords adequate pre-natal and post-natal care to the child and his/her mother and states that the child "shall be entitled to grow and develop in health." Principle 8 states that the child "shall in all circumstances be among the first to receive protection and relief."

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[8] *Convention on the Prevention and Punishment of the Crime of Genocide*, General Assembly Resolution 260A (III), 9 December 1948, in, *Human Rights: A Compilation of International Instruments*, New York: United Nations Publications, sales no. E.83.XIV.1, pp.56-57.

[9] *Declaration of the Rights of the Child*, United Nations General Assembly Resolution 1386 (XIV), 20 November 1959, in *Ibid.*, pp. 129-130.

International Convention on the Rights of the Child

Following ten years of negotiation, the International Convention on the Rights of the Child was adopted at the UN on 20 November 1989. If ratified, it promises to be the first binding international instrument setting out states' obligations towards children.[10] Article 12(2) of this Convention, entrenches further the child's right to the highest attainable standard of health and to medical and rehabilitation facilities. It also confers on states parties the obligation to diminish infant and child mortality and to ensure the provision of necessary medical assistance and health care to all children, with emphasis on the development of primary health care. Article 20 in this Convention is especially important. Paragraph 1 of this Article obliges States Parties to the Convention to respect the rules of international humanitarian law that are relevant to children during armed conflicts. Paragraph 2 states:

> In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties to this Convention shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Geneva Conventions

The Geneva Conventions of 1949 and the Additional Protocols of 1977 specifically address the problem of protecting civilians in wartime.[11] The rules governing the conduct of parties in battle relative to the civilian population are found in the Fourth Geneva Convention. This Convention is especially relevant for what it says about relief in time of war. Article 59 binds occupying powers in international conflict to agree to relief schemes on behalf of the population of the occupied territory if that population is inadequately supplied. It states that such relief schemes may be undertaken by states or impartial

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[10] *Convention on the Rights of the Child*, UNICEF Briefing Kit no. 2: *The Origins of the Draft Convention*. It should be noted that while conventions are binding on states who ratify them, declarations carry no specific obligation for the states who accept them.

[11] International Committee of the Red Cross, *The Geneva Conventions of August 12, 1949* (Reprint), Geneva: 1970; and, International Committee of the Red Cross, *Protocols Additional to the Geneva Conventions of August 12. 1949*, Geneva: 1977.

humanitarian organizations. Relief supplies shall consist, in particular, of foodstuffs, medical supplies and clothing. Article 23 commits each High Contracting Party to allow "the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary." Under Article 56, each occupying power is bound to adopt and apply prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.

It is obvious from the foregoing discussion that these Articles apply only to conflicts of an international character. However, Article 3, common to the four Conventions, deals with those conflicts, such as civil or intra-state wars, that are not international in character. Though it makes no explicit references to humanitarian relief, it does stipulate that "parties to the conflict should further endeavour to bring into force, by means of special agreements all or part of the other provisions of the present Convention." This Article also stipulates that "an impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict."

The lack of attention paid by the Geneva Conventions to non-international armed conflict was rectified somewhat by Protocol II, formally known as the Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts. Article 18(2) of Protocol II provides that if the civilian population is suffering undue hardship caused by the lack of supplies essential for its survival, such as foodstuffs and medical supplies, relief actions on their behalf that are of an exclusively humanitarian and impartial nature shall be undertaken, subject to the consent of the High Contracting Parties.

Certainly the provisions in the Geneva Conventions and the Additional Protocols are more substantial regarding civilians caught in international conflict than those regarding civilians involved in non-international armed conflict. As Macalister-Smith explains, states

tend to be strongly opposed to any reference to offers of relief, even from neutral third parties, which might constitute interference in their internal affairs.[12]

Enforcement

A much larger problem, relating to international humanitarian and human rights law as a whole, is that there is no manifest way to enforce the statutes. While Chapters VI and VII of the UN Charter provide enforcement mechanisms and procedures for the settlement of disputes, they have not, in practice, worked very well.[13] In addition, Article 2(7) of the Charter forbids members of the UN to intervene in matters that are within the domestic jurisdiction of any state. Civil wars or guerrilla wars are usually categorized as such by the states involved. Regarding the various declarations and conventions that have been discussed, there are no enforcement provisions, formal or informal.

What leverage, then, is provided by international humanitarian and human rights law if those laws are not enforceable? One reply to that question is that enforcement provisions, particularly those that might involve military action, would, in fact, contradict the spirit of humanitarian law, undermining the very rights they are designed to protect. Why wield these statutes in negotiations for humanitarian ceasefires? Because human rights and humanitarian issues are the basic issues over which conflict usually takes place.

John Burton argues that, whereas classical thinking about conflict identifies the clash of *interests* (ideological, political) as the reason for conflict, more recent theory and application have determined that protracted conflicts are fought primarily over non-

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12 Macalister-Smith, *supra* note 5, p. 31.

13 One reason is that, for the enforcement provisions of the Charter to work, they require the full cooperation of the members of the Security Council. Barton says that this is not usually forthcoming, since the great powers, and particularly the United States and the Soviet Union, see the UN as simply one of a number of mechanisms available to them in pursuit of their national goals. See: William Barton, "The Role of the Security Council in Conflict Resolution," *Briefing Paper, No. 23*, October, 1986.

negotiable *values* and *needs*.[14] Illustrative of this, perhaps, are the conflicts in Central America. They have been described by more than one participant as having as their root cause issues of social and economic injustice.[15] It is some measure of social and economic justice which humanitarian and human rights law seeks to restore and preserve. Ideally then, these laws should need no enforcement provisions because, whether they are aware of it or not, it is in the interest of parties to a conflict to uphold them. The burden for those quoting these laws is to make those parties cognizant of this fact.

Another factor compelling combatants to abide by the laws of war is the national and international opprobrium attached to any flagrant violation of them. There is evidence that for some combatants this is no small concern. During the Nigerian Civil War (1967-1970), for example, government forces were issued an "Operational Code of Conduct." The Nigerian Forces, the code stated, must show the whole world that they could follow the Geneva Conventions explicitly.[16] Similarly, when asked about the reputed use of land mines to intentionally injure and kill civilians, Salvador Samayoa, an El Salvadoran rebel replied: "You have to understand, the day that we begin to use mines that really affect the population, we will be committing political and military suicide."[17] Wars are often fought for the hearts and minds of the people. To flagrantly violate the rights of the people, and to be seen to be doing so, is not, in this regard, a particularly astute political tactic.

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[14] John Burton, "The Theory of Conflict Resolution," *Current Research on Peace and Violence*, 9:9, 1986, p. 128.

[15] Salvador Samayoa, a leading member of the rebel Farabundo Marti National Liberation Front in El Salvador, refers to a consensus among the opposition not for peace but for peace with social justice. See: Terry Karl, "El Salvador: Negotiations or Total War. Interview with Salvador Samayoa," *World Policy Journal*, VI:2, Spring, 1989, p. 334. Similarly, the Contadora group found the underlying causes of conflict in Central America to be not political, nor ideological but the conditions of economic and social injustice. See: Mark L Schneider, "Health as a Bridge to Peace," *World Health*, October, 1987.

[16] C. H. Mike Yarrow, *Quaker Experiences in International Conciliation*, New Haven and London: Yale University Press, 1978, p. 239.

[17] Karl, *supra* note 15, p. 345.

Humanitarian and human rights law, as an internationally negotiated and accepted code of ethics, provides those organizations seeking to negotiate humanitarian ceasefires with firm ground on which to stand. Not only does it provide them with extra leverage for bargaining with the conflicting parties, it may, in some circumstances, contribute to the moderation of conflict and the establishment of long-term peace. Article 144 of the Fourth Geneva Convention asks all High Contracting Parties to disseminate as widely as possible the text of the Conventions, and to include the study of them in military and civilian programs. The thinking here is that education will influence behaviour. Reference to the applicable statutes in the laws of war when negotiating a ceasefire can only contribute to this process of education. It will contribute, as well, to an appreciation by the conflicting parties of the relationship between human rights and the values for which they are fighting. They might, then, begin to understand that the implementation of human rights for all, as far as possible and without distinction, is the surest way of achieving their goals.

1.3: Humanitarian Ceasefires Defined

There are no pat definitions of humanitarian ceasefires. They are usually arranged on an ad-hoc basis when a humanitarian need in a war-zone becomes, or has the obvious potential of becoming, particularly acute. The need, whether it be child immunization to raise immunization levels in the conflict-zone and prevent a mass epidemic, or food delivery to prevent mass starvation, tends to override the immediate military-strategic interests of the conflicting parties. It becomes what is known as a superordinate goal: a goal about which it is in the mutual interest of the combatants to cooperate, and the fulfilment of which detracts from neither their military nor their political/strategic position. A distinguishing feature of a humanitarian ceasefire, then, is that it proposes that a concrete action take place which is linked to a moral appeal to stop the fighting. The overt purpose for negotiating a humanitarian ceasefire is to create the conditions that will make possible successful implementation of the concrete action in a time-frame sufficient to relieve the acute need.

Humanitarian ceasefires are distinct from traditional ceasefires in that they are not arranged for the express purpose of creating time for the disputants, or the disputants plus

a mediator, to negotiate the terms of a conflict resolution. In this sense, they are fundamentally humanitarian in origin, not political. Neither are they conceptualized in the same way in which traditional ceasefires are conceived: The organizing feature may be primarily time (five days of peace), space (corridors of tranquillity), or both (corridors of tranquillity lasting for a fixed period of time).

There is no formal mechanism, either at the UN or any other regional organization, for setting into motion and carrying out the process that results in a humanitarian ceasefire. The impetus for the ceasefire will usually come from the party for whom the humanitarian need is pertinent; whether that is a humanitarian organization, some other non-governmental organization (NGO) or the parties to the dispute themselves.

If humanitarian ceasefires and traditional ceasefires are negotiated with quite different objectives in mind, it may be that they still serve the same master. That master is conflict resolution. In the following sections of this paper we shall analyze and compare the traditional UN approach to conflict resolution exemplified by the resort to peacekeeping forces, and the contribution that might be made to the peace process by all that is intrinsic to the negotiation of a humanitarian ceasefire, a non-traditional path to conflict resolution.

CHAPTER 2: THE UNITED NATIONS AND THE TRADITIONAL APPROACH TO CONFLICT RESOLUTION

2.1 Four Steps to Peace

Sidney Bailey asserts that, with the creation of the United Nations, within which the Security Council has the prime responsibility for the maintenance of international peace and security, the tendency arose to view the terms ceasefire, truce and armistice as representing a sequence, three successive steps from war to peace.[18] According to this notion, a ceasefire is defined as:

> . . . a suspension of acts of violence by military and para-military forces, usually resulting from the intervention of a third party. It is a preliminary and provisional step, providing a breathing space so that a subsidiary organ of the Council can negotiate with the parties a truce of a more detailed and durable kind.

For Bailey, the main elements of a ceasefire are: the parties in conflict issue ceasefire orders to their troops; the parties are free to adjust but not augment their forces; the parties will confer on any change in disposition of their forces; there will be a demarcation of a de facto ceasefire line and perhaps a buffer zone; and there will be military observers to supervise and observe the ceasefire and report violations to the Security Council.

A truce, the second step on this road to peace, prescribes: The reduction of regular and irregular forces and the withdrawal of those forces behind a demilitarized area; arrangements for civil administration and policing of the demilitarized zone; the restoration of normal transportation; the repatriation of prisoners of war, hostages and political prisoners; and measures for guaranteeing human rights and free political activity.

An armistice is separate from the first two steps of this process since it results from direct negotiations between the parties in conflict about specifically military matters. An

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[18] Sidney Dawson Bailey, *How Wars End*, Vol.I, Oxford: Clarendon Press, 1982, p. 38.

armistice agreement is never imposed by the Security Council. It is a consensual contract, usually of unlimited duration. Moreover, it implies a commitment to, or formal acceptance of, an eventual peace settlement, but it does not end the legal state of war.

This brings us to the fourth and final step on the road to peace, a step which Bailey does not discuss but which he implies. This step, which we will call an accord, involves a sincere political negotiation leading to a compromise. Ideally, this compromise would resolve the issues in dispute to the mutual satisfaction of the interested parties, resulting in an enduring peace.

2.2 United Nations Peacekeeping Forces: Purpose and Role

The purpose of peacekeeping forces has traditionally been to insert themselves between belligerents during the ceasefire phase of the peace process. They are the instrument by which the UN intervenes to supervise and maintain the ceasefire in order to buy time for negotiation and for mediation to take place. Beyond this, as Indar Jit Rikhye indicates, the term 'peacekeeping' has still not been formally defined.[19] One proximate definition is provided by the International Peace Academy. It states that peacekeeping is:

> the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organized and directed internationally, using multinational forces of soldiers, police and civilians to restore and maintain peace.[20]

More succinctly, Wiseman says that peacekeeping is the use of military personnel to monitor and supervise a ceasefire between belligerents. The expectation, he concludes, is that once a ceasefire is assured, the political climate will become more conducive to diplomatic negotiation and possible settlement through direct diplomacy by the Secretary-

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[19] Indar Jit Rikhye, *The Theory and Practice of Peacekeeping*, London: C. Hurst and Company, 1984, p. 1.

[20] International Peace Academy, *Peacekeeper's Handbook*, New York: Pergamon Press, 1984, p. 22.

General or some other third party.[21] On the surface, then, peacekeeping forces serve the functional purpose of ensuring that the ceasefire will work. Their role is to observe, supervise, report, and, if necessary, to act to maintain the ceasefire. But the desired effect of peacekeeping forces is to create conditions of stability and trust facilitating the eventual settlement of the conflict.[22]

The nature of each peacekeeping operation differs according to the particular mandate of the operation and the circumstances that the forces encounter once they are in place. Generally, there are two types of peacekeeping operations: observer missions; and, peacekeeping forces. Observers are small detachments of unarmed civilian or military personnel who, quite simply, observe and report any violations of the terms of the ceasefire. Peacekeeping forces, on the other hand, usually consist of large detachments of military contingents who are equipped with light arms. They differ from observer missions in that they are capable of, and are intended for the purpose of, preventing, if need be, the recurrence of hostilities.

The *Peacekeeper's Handbook* identifies four main categories of peacekeeping and observer operations that have taken place since 1948.[23] They are: 1) **Internal Pacification**: This type of operation deals with intra-state conflict and is aimed at bringing an end to violence by peaceful means and thereafter to prevent a renewal of fighting; 2) **Buffer Force**: Usually dealing with inter-state conflict, the buffer force could also be used in intra-state conflict. Their role is to patrol and observe and ensure that the buffer zone is not infiltrated; 3) **Border Patrol**: This can be done by either a peacekeeping force or an observer mission. Their functions include: supervising the ceasefire, fact-finding, reporting,

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[21] Henry Wiseman, "Peacekeeping and the Management of International Conflict," Ottawa: Canadian Institute for International Peace and Security, *Background Paper*, No. 15, September, 1987, p. 1.

[22] Ernest B. Haas, "The Collective Management of International Conflict," in, *The United Nations and the Maintenance of International Peace and Security*, Boston: Martinus Nijhoff Publishers, 1987, pp. 3-70.

[23] International Peace Academy, *supra* note 20, pp. 31-32.

patrolling, and, in the case of the peacekeeping force, interpositioning themselves between belligerents to prevent an outbreak of fighting; 4) **Observation**: Observers are mainly concerned with the supervision of truce and ceasefire agreements and armistice lines. They usually consist of a static network of observation posts, reporting to headquarters any incidents which might preface a renewal of fighting.

2.3 Principles and Procedures of United Nations Peacekeeping Operations

There is no provision for peacekeeping forces in the Charter of the United Nations. Appropriately, they have been described as a purely empirical creation born of necessity.[24] The first peacekeeping force was created and deployed at the behest of Lester B. Pearson in response to the Suez Crisis of 1956. Since that time there have been more than fifteen UN peacekeeping or observer operations. It has been through this practical application that the principles and procedures, and indeed the purpose and role, of peacekeeping forces have been developed.

Each operation must have a mandate. This is devised by the Security Council, which is the sole authority under which the force can operate.[25] The peacekeeping force must be impartial, it must not interfere in the internal affairs of the host country and must not favour one side against another. Members of the force are strictly forbidden to use their weapons save in self-defence. Peace is never "enforced" but "secured." A peacekeeping force is never imposed upon the belligerents but is subject to the consent of the party on whose territory it is deployed. Peacekeeping contingents and observer missions are multinational and are constituted on a purely voluntary basis. The participation of any one particular country is subject to the veto of the host parties or governments. The ideal is broad geographical representation including contingents from East, West and the Third World. Permanent members of the Security Council are excluded from peacekeeping

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[24] *The Blue Helmets: A Review of United Nations Peace-keeping*, New York: United Nations Department of Public Information, 1985, p. 3.

[25] Normally, a peacekeeping operation is established by the Security Council. The General Assembly, however, can also establish a peacekeeping force and has done so twice in the past.

missions. The parties to the ceasefire are expected to cooperate with the forces, providing, where need be, logistics, including communication and transportation facilities, supply and billeting. Duties of the forces may include observation, patrolling the ceasefire line, reporting infractions and interpositioning themselves between the parties to prevent a renewal of hostilities. Peacekeeping operations are directed by the Secretary-General, usually through the Under-Secretary General for Special Political Affairs. The force Commander is appointed by the Secretary-General. Direction is handled in consultation with the Security Council.

It is commonly agreed that peacekeeping forces must be flexible. The role they play in each operation is often improvisational. Standard Operating Procedures allow for the possibility that members of the forces, even at a low level, may be called upon to negotiate with the parties to the conflict. In doing so, they must remain strictly neutral, offering suggestions and advice or responding objectively to courses of action taken by the parties to the conflict.

2.4 Shortcomings and Problems with the Traditional Approach

Peacekeeping as an institution is a venerable one. If it suffers some shortcomings, they are related to what is often expected of peacekeeping rather than what that institution promises to deliver. It is said that the primary problem with peacekeeping operations is that they tend to perpetuate the state of conflict.[26] Two examples used to illustrate this point are the United Nations Peacekeeping Forces in Cyprus (UNFICYP), still in place after 25 years, and the United Nations Emergency Force (UNEF I), which remained in the Middle East from 1956 until 1967, when war broke out. In fact, of all the peacekeeping operations carried out under UN auspices since 1948, only two have ended with a resolution of the conflict.[27]

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[26] Mircea Malitza, "The Improvement of Effectiveness of United Nations Peacekeeping Operations," in: The United Nations Institute for Training and Research, *supra* note 22, p. 238.

[27] Henry Wiseman, "Peacekeeping in the International Political Context: Historical Analysis and Future Directions," Paper presented to the Joint NUPI-IPA Workshop on: "The UN and Peacekeeping: Results, Limitations and Prospects -- The Lessons of 40 Years

Another shortcoming of peacekeeping is that it depends on the cooperation of all the members of the UN. Yet, as Wiseman points out, this cooperation is often not forthcoming. Neither the United States nor the Soviet Union is capable of exerting its will over all the members of the General Assembly. As a result, the members will often opt for unilateral initiatives rather than multinational ones for managing crises.[28] This may help to explain why, until the deployment of the United Nations Transition Assistance Group (UNTAG) to Namibia in 1989, there had been no peacekeeping operation outside the Middle East since 1965.

These criticisms of peacekeeping are misdirected. To paraphrase Malitza, it is like blaming the anaesthetist for the failure of an operation when the surgeon doesn't show up. Peacekeeping is directed at ending, or contributing to the end of violence; it is not by itself equipped to resolve the underlying issues in conflict. For peacekeeping to be successful it must be followed by peacemaking, parallel political initiatives aimed at removing the reasons for violence.

Peacekeeping cannot by itself resolve conflict, nor was it ever intended for that purpose. The assumption has always been that it would be part of a larger process of conflict resolution involving peacemaking and peacebuilding. These latter two components are woefully underrecognized and underappreciated aspects of the UN approach to conflict resolution. In the next section of this paper we will examine a concept which has potential in both these areas. It may also have potential for incorporating peacekeeping into its implementation or, in turn, of being included itself as part of a peacekeeping operation.

Experience, Oslo, Norway, 12-14 December 1988, p. 19.

[28] Henry Wiseman, *supra* note 21, p.7.

CHAPTER 3: HUMANITARIAN CEASEFIRES AND THE NON-TRADITIONAL APPROACH TO CONFLICT RESOLUTION

3.1 The Mechanics of Humanitarian Ceasefires: The Cases

Negotiating a ceasefire for the purpose of delivering or administering humanitarian aid is an arduous, complex and delicate task. The delicacy involved usually means that the negotiators choose not to document the process, for fear of upsetting the combatants who do not want to appear to be negotiating with the enemy. This lack of documentation is exacerbated by the fact that the primary purpose of the organizations responsible for initiating humanitarian ceasefire negotiations is action, "there is no time to record what is being done."[29] Accordingly, the number of documented cases from which to draw for illustrative purposes is decidedly meagre. Among those for which, in relative terms, there is adequate material are El Salvador (1985), Lebanon (1987) and the Sudan (1989).

El Salvador (1985)

On 3 February 1985, at eight-o-clock in the morning, El Salvador embarked upon the first of three scheduled "days of tranquillity." The term, "days of tranquillity," is used to represent the informal one-day ceasefires between rebel forces and government troops arranged by UNICEF and the Roman Catholic church in El Salvador. The purpose of the ceasefires was to allow UNICEF and the International Committee of the Red Cross to enter the war-torn region and immunize a target number of 400,000 children against five childhood diseases; diphtheria, whooping cough, tetanus, polio and measles.

The idea was formulated in New York in July 1984 during a conversation between James Grant, the Executive Director of UNICEF, and Jose Napoleon Duarte, the President of El Salvador.[30] At that meeting, Grant pointed out that 20,000 children a year were dying from disease in El Salvador, far exceeding the number of deaths caused by the war. He further pointed out that most of those childhood deaths could have been prevented with

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[29] Interview by the author with Louis Rivera, Chief Communications, UNICEF, New York, 20 July 1989.

[30] Interview by Madeline Eisner with Agop Kayayan, UNICEF Area Representative, Guatemala, 2 August 1989.

fifty cents worth of vaccine. Duarte was also told that the benefits of a concerted immunization program could be seen quickly, within the length of one presidential term. This last bit of information may well have persuaded Duarte to accept the idea. However he agreed not to use the proposed vaccination campaign for partisan politics.[31]

UNICEF stipulated that any immunization campaign must include all the children of El Salvador and therefore must be extended to all the conflict zones. Duarte objected that it was too dangerous to enter guerrilla-controlled territory. It was in response to this objection that Grant floated the idea of a temporary ceasefire.

In October 1984, an evaluation team, consisting of the Pan American Health Organization (PAHO), UNICEF and the Ministry of Health in El Salvador, carried out a feasibility study of the immunization project. The three year "Plan of Action" that resulted, proposed three national immunization days a year, beginning in 1985, on 3 February, 3 March and 23 April.[32]

The next step was for the government of El Salvador to negotiate a ceasefire with the guerrillas of the Farabundo Marti National Liberation Front (FMLN). This was not a straightforward affair. As the Minister of Health of El Salvador explained, "in no way were either Duarte or himself going to deal with Guerrilla groups on this matter."[33] The problem was that the government, and particularly the military, felt that to negotiate with the guerrillas for a ceasefire, even a temporary one for humanitarian purposes, would imply that the government formally recognized the FMLN, something the government steadfastly refused to do.[34] The solution was to solicit the services of the Roman Catholic church, in

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31 *Ibid.*

32 Rolando Hernandez, Hernan Jaramillo and Agop Kayayan, *El Salvador National Immunization Campaign. Analysis of a Process*, (unpublished paper) 30 September 1985.

33 Interoffice Memorandum from Hernan Jaramillo, UNICEF Programme Officer, to Agop Kayayan, UNICEF Area Representative, Guatemala, 12 December 1984.

34 Donald C. Drake, "The Day the War Stood Still," *The Philadelphia Inquirer Magazine*, 28 June 1987, p. 20.

the persons of Archbishop Arturo Y Rivera, Monsignor Rivera Y Damas and Monsignor Rosa Chavez, to serve as interlocutors with the FMLN. The church, in this respect, was ideal. As Pelle observes, for years in El Salvador the church had been a staunch defender of human rights, ceaselessly making proposals aimed at rallying the country around uniformly acceptable national and moral principles. As a result, the church maintained permanent and active contact with the opposing factions in El Salvador.[35]

The church agreed to contact the FMLN, who, upon being informed of the UNICEF plan, responded, "We cannot in any way be in disagreement. The vaccination is of great importance for our people."[36] Negotiations proceeded in the following manner: The Ministry of Health made proposals to the UNICEF representatives as to which areas of the country it would cover. These proposals were taken by UNICEF to Monsignor Rivera Y Damas or Monsignor Rosa Chavez, who, in turn, presented them to the guerrillas. The guerillas would modify the proposals and return them to the government through the same channels whence they came. In this way, the government was able to maintain the fiction that they were not negotiating with the rebels.[37]

The end result of this non-negotiation was a non-ceasefire: an unsigned agreement in which each group agreed not to promote armed activities on the days of the immunization campaign if the other would do the same.[38] Great care was taken by UNICEF not to refer to the agreement as a truce or ceasefire but as a period or day of tranquillity.[39] An idea of how tentative the arrangement was, can be gathered by the fact

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35 Yves Pelle, *El Salvador Immunization Campaign February-April 1985. Achieving Success in an Adverse Environment*, (unpublished paper) July 1985, p. 16.

36 UNICEF Information, *Press Release*, PR 7/85, 18 April 1985.

37 Eisner interview, *supra* note 30.

38 Hernandez, Jaramillo and Kayayan, *supra* note 32, p. 14.

39 See: UNICEF Interoffice Memorandum from James R. Himes, Chief, Americas Section, to Mr. James P. Grant, Executive Director, UNICEF. Subject: El Salvador Immunization Campaign, File No. NY/Gen. 25/85, 30 January 1985.

that the church did not receive final confirmation from the guerrillas that they would respect a ceasefire until late in the afternoon the day before the ceasefire was to take effect. In a telephone message to Monsignor Chavez that day, an FMLN representative said, "it is our policy to let the children be vaccinated," then he hung up.[40]

The days of tranquillity in El Salvador, which have been repeated three times a year since 1985, were accompanied by a huge social mobilization campaign. A media drive advertising the immunization campaign began on 20 December 1984. It included 11,816 spots on television and radio; daily newspaper reports; and the printing and distribution of one million leaflets, thirty-thousand brochures and ten-thousand posters.[41] Religious leaders, Protestant and Catholic, preached the importance of vaccination. They exhorted people in their religious services on the day of the campaign to go to the vaccination posts upon leaving the church.[42]

True to the commitment they made in July 1984 in New York, neither Duarte nor Grant used the immunization campaign to advance any parochial, or partisan political, interests. Grant made sure that credit for the success of the campaign was shared, mentioning in his account the government, the guerrillas, the Catholic church, the ICRC, the Rotarians, the Lions Club, the Boy Scouts, UNICEF, PAHO, UNDP, USAID, the media, and 20,000 vaccination members, among others.[43] On the government side, care was taken not to identify the campaign as a direct government action.[44]

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40 Drake, *supra* note 34, p. 20.

41 Claudia Obersacher, "Life Squads in El Salvador Halt Fighting to Immunize Children," Report on El Salvador National Vaccination Campaign, 7 February 1985.

42 Eisner Interview, *supra* note 30, p. 28.

43 UNICEF Information, "Betting on Life in El Salvador," *Press Release*, February, 1985.

44 Hernandez, Jaramillo and Kayayan, *supra* note 32.

Lebanon (1987)

In the heady days following the success of the initial immunization campaign in El Salvador, James Grant proclaimed that El Salvador had set a shining example that should be emulated in conflict zones worldwide. Two years later this was done in Lebanon. Again, the action was initiated by UNICEF. Unlike in El Salvador, however, there was no obvious mediator to deal with the many warring factions in Lebanon. The task fell to James Grant and to Richard Reid, the regional head of UNICEF in the Middle East. For almost a year they conducted painstaking negotiations with the different interested parties, including the Iranian backed Hezbollah, Israel and Syria.[45] The tactic of the UNICEF representatives was similar to that used in El Salvador. They explained to their negotiating opposites that in twelve years of civil war, medical services and precautions for children had been neglected. Infant mortality had increased to the point where more children may have been dying from malnutrition and disease than from the violence in war. UNICEF persuaded the different factions that the need was so great in Lebanon that the only way to tackle the scourge of disease was to observe a ceasefire lasting three days. The first three-day ceasefire would take place in September 1987, to be followed by one each in October and November. The argument proved convincing. According to Richard Reid, everyone was ready to unite for a single humanitarian effort.[46]

As in El Salvador, the programme in Lebanon was accompanied by a social mobilization campaign. Television and radio stations alerted the people to the drive and even Lebanon's Islamic Mullahs helped spread the word from the mosques.[47]

The immunization process was in every sense a cooperative one. UNICEF organized the campaign and provided syringes and vaccines. The World Health Organization supplied

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[45] Michael J. Berlin, "UNICEF Proclaims Success Inoculating Lebanon's Young," *The Washington Post*, 24 September 1987, p. 8.

[46] See: Ihsan Hijazi, "Chaos in Lebanon Hampering UNICEF's Work," *The New York Times*, 25 October 1987, p. 6.

[47] Adrian Hamilton, "Lebanon Holds Fire for Sick Children," *The Observer* (London), 20 September 1987, p. 2.

the cold chain equipment. Health workers were supplied by the Lebanese government and the ICRC. Every military faction, each of whom had their own transportation and communication equipment, provided logistical support to the vaccination teams. On 23 September 1987, the gunfire stopped and vaccinations took place in 762 centres across the country. After three days it became apparent that the need for childhood immunization was so great that the three days of tranquillity were extended to include a fourth day.

Sudan (1989)

The widespread famine and the resulting death of close to a quarter of a million people in southern Sudan in 1988, moved Secretary-General Javier Perez de Cuellar to ask the Sudanese Prime Minister, Sadiq Al-Mahdi, to convene a high-level meeting of UN organizations and donors with the objective of agreeing on a plan of action aimed at avoiding a repeat of the tragedy. The meeting took place on 8 and 9 March at Khartoum. It focused on the need to pre-position food stocks in southern Sudan before the rainy season began in May, when, until November, the area would be cut off from outside assistance. The principal task was to ensure that streamlined procedures were in place to enable the delivery and pre-positioning of supplies. It was calculated that, to avoid the starvation of an estimated 100,000 people, up to 172,000 tons of food relief was required at a cost of US $121 million. Additional non-food assistance, including immunization and emergency drug kits, was expected to cost another US $11 million.[48]

The meeting concluded that, effective 1 April 1989, a month of tranquillity should be observed. During this time, supplies would be shipped to the areas in need by road, train, barge and air. Both the Sudanese government and the rebel forces were asked not to attack the different modes of delivery during this month and to respect the neutrality of humanitarian relief. They were also asked to guarantee free access to UN, donor and NGO personnel participating in the relief actions so that they could reach all civilian non-

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[48] UNICEF, *Operation Lifeline Sudan*, 17381, p. 1.

combatants in need of emergency relief throughout the Sudan.[49] Beyond this, it was recognized by all those who participated in the Khartoum meetings that the most urgent need was for a permanent, peaceful solution to the ongoing civil conflict in the south. Speakers stressed the importance of addressing the humanitarian concerns during the month of tranquillity. At the same time, the participants, including the Prime Minister of Sudan, invariably emphasized the need to use this time to negotiate a more permanent ceasefire leading to peace.[50]

On 23 March 1989, the UN Secretary-General appointed James Grant as his personal representative charged with implementing the Sudanese relief effort. Grant and Reid had been working since 10 March to secure the agreement of the rebel Sudanese Peoples Liberation Army (SPLA) to the ceasefire. The first hurdle had been to elicit the consent of the government for the two UN representatives to make contact with the rebels. Initially reluctant, the Sudanese Prime Minister relented, under pressure exerted by international humanitarian agencies and the media, and allowed Grant and Reid to conduct direct negotiations with the SPLA.

In the spirit of the Khartoum meeting's desire for long-term peace, the UN urged the rebels to accept a prior government offer of a six-month ceasefire. Not only was this rejected by the rebels but the Plan of Action's call for a month of tranquillity was also turned down. The most the rebels would agree to was eight corridors of peace along which, for one month, relief supplies could be delivered unfettered to the needy population.[51] This, UNICEF decided, met the requirements of the Plan of Action.

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[49] UNICEF, "Crash Relief Programme for Sudan's Southern Provinces. 2.25 Million People in Need of Immediate Assistance," *Emergency Information Note*, EIN/06/89, 14 March 1989, pp. 2-3.

[50] United Nations, *Plan of Action. Sudan Emergency Relief Operations*, Khartoum, Sudan, March 1989.

[51] "Sudan Rebels Pledge Relief Support," *Jordan Times*, 26 March 1989.

The "corridors of tranquillity" have been extended several times by both sides beyond the one month period of time originally intended. In fact, they have been cited by many as having directly contributed to the long-term peace process -- such as it is --in the Sudan.[52]

Not only do the "corridors" constitute a humanitarian ceasefire of a different order, they also set other precedents. One observer remarked that Operation Lifeline Sudan (OLS), as the UNICEF mission is called, has established the right of civilians caught up in war, to have access to relief aid as well as the right of outside humanitarian agencies to supply it.[53] This description would apply equally to the less publicized immunization ceasefires held in Lebanon and El Salvador. Sudan has also been cited as the first example in which two parties to a civil war agreed on a common plan of action to protect and supply civilians on both sides of a conflict.[54] In neither Lebanon nor El Salvador was their any formal agreement between the warring parties to the ceasefires.

These three cases -- El Salvador, Lebanon and the Sudan -- demonstrate that the concept of a ceasefire for humanitarian purposes is feasible. Beyond that, it remains to be demonstrated what humanitarian ceasefires can contribute to the ultimate resolution of conflict. This is an all-important issue. A ceasefire negotiated for the purpose of supplying humanitarian aid to the civilian population is valuable and worthwhile in its own right. The most common objection to the notion of a temporary abatement of military hostilities to fulfil a humanitarian need, however, is that once that need is fulfilled, the recipients are flung back into the path of conflict.

This irony has not gone unappreciated by those who have been involved in negotiating humanitarian ceasefires. That is why the Plan of Action for Sudan called for

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52 See: *Ibid.*, p. 3; Also see: Robert M Press, "Cautious Search for Peace in the Sudan," *The Christian Science Monitor*, 8-14 June 1989, p. 4.

53 Mohammed Abdul, "A Lifeline for Sudan," *The Washington Post*, 25 May 1989.

54 United Nations, *Press Release*, 29 May 1989, p. 2.

a commitment by the government to seek ways to negotiate a long-term peace with the SPLA. Unfortunately, only in the rarest of circumstances is it possible or advisable to ask for such a commitment. To do so risks compromising the third party's claim to political impartiality and neutrality in the service of a purely humanitarian goal.

There are, however, other less obvious contributions that humanitarian ceasefires may make to the resolution of conflict. These will be examined in the remainder of this paper.

3.2 The Gesture of Peace

At its most basic level, the humanitarian ceasefire has demonstrative value. Sir Brian Urquhart, the former United Nations Under Secretary-General for Special Political Affairs, commented on the concept by saying that anything that proves the fighting could stop is a good idea.[55] Richard Reid, who was intimately involved in negotiating the ceasefire in Lebanon and the Sudan, maintains that if people stop shooting at each other for one day, they have broken the habit. Perhaps they might find that it feels pretty good.[56]

Humanitarian ceasefires indicate that the parties to a conflict are capable of cooperating to realize a superordinate goal. Moreover, it demonstrates that they are able and willing to stop the fighting to achieve that goal. To paraphrase someone who was closely involved in the El Salvador negotiations, the same argument can then be made for other types of peaceful intervention. In this sense the humanitarian ceasefire can be used as an occasion to advocate understanding between the parties that through peace not through fighting they can solve their problems.[57]

The gesture of peace inherent in any humanitarian ceasefire has potential repercussions far beyond the immediate zone of conflict. Commenting on the immunization

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55 Interview by the author with Sir Brian Urquhart, 20 July 1989.

56 Marie Colvin, *supra* note 48, p. 2.

57 Eisner interview, *supra* note 30.

ceasefire in El Salvador, UN Secretary-General Perez de Cuellar wrote: "The coverage achieved, as well as the climate of tranquillity and peace during the immunization process, represents an example for the world of what really can be obtained when the will and the wish to do it exists."[58]

Those values instilled or reinforced by a humanitarian action can also contribute to creating a climate in war that is conducive to negotiation.[59] Overtly, this is manifested by the increased strength lent to the voices of moderation who participate in helping to organize the humanitarian action. In El Salvador one of the great voices of moderation was the Catholic church. Pelle says that the immunization campaign provided the church with a concrete, acceptable justification for increasing its mediating role and its credibility. It provided them with an additional means to openly strive for peace and reconciliation in El Salvador.[60]

There is evidence as well that the spirit of conciliation fostered by humanitarian actions can permeate the final settlement of a conflict, whether that settlement is negotiated or otherwise resolved. Yarrow writes that Quaker relief action during the Nigerian civil war was both a form of conciliation itself and an opening to direct conciliation between the parties. Though this conciliatory effort did not result in a negotiated resolution of the conflict -- the rebels were defeated by the government forces -- the resulting military solution was imbued with the essence of that effort.[61] Indicative of this, argues Yarrow, was the attitude of General Gowon, the leader of the Nigerian government. He points out that when Gowon accepted the rebel surrender, he ordered that all measures be taken

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58 Letter from UN Secretary-General Javier Perez de Cuellar to Jose Napoleon Duarte, President of El Salvador, 28 February 1985.

59 Jean-Luc Blondell, "Getting Access to the Victims: Role and Activities of the ICRC," *Journal of Peace Research*, 24:3, 1987, p. 313.

60 Pelle, *supra* note 35, pp. 16-17.

61 Yarrow, *supra* note 16, p. 259-260.

to effect a peace without vindictiveness. He saluted the soldiers who had "fought so bravely on the other side and welcomed all back as brothers."[62]

Under the proper conditions, a humanitarian ceasefire can be directly correlated with the peace process that leads to negotiations aimed at resolving a particular conflict. OLS is a case in point. As we have seen, the Plan of Action for OLS stressed the importance of government-rebel negotiations to end the war. The corridors of tranquillity were considered only a palliative measure to bring short-term relief to the population in the south. Yet the "corridors" and the accompanying assistance effort seemed to serve as both an excuse and an opportunity for real advancement of the peace process. In May 1989, the government and the SPLA agreed to an extension of the corridors of tranquillity beyond the month of May and into mid-June.[63] In June, the two sides agreed to the continuation of the corridors of tranquillity for as long as necessary, regardless of possible changes in political and military circumstances. They also agreed to hold talks on 10 June in Addis Ababa on how to proceed with peace negotiations and a permanent ceasefire.[64]

The corridors of tranquillity and the associated relief effort have been judged instrumental in paving the way for the peace negotiations which began in Sudan in June 1989.[65] It is said that the UN relief efforts contributed to an atmosphere of cooperation between the parties in the conflict. In this sense, the humanitarian ceasefire can be viewed as a confidence-building effort, helping to instill trust among enemies. In fact, the Sudanese government and the SPLA both acknowledge that the OLS experience has contributed to the peace process.

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62 *Ibid.*, p. 238.

63 "Operation Lifeline Sudan," *Situation Report*, No. 3, 26 May 1989.

64 "Operation Lifeline Sudan," *Situation Report*, No. 4, 13 June 1989, p. 2.

65 Press, *supra* note 54, p. 4.

The case of OLS is not the only example of a humanitarian ceasefire contributing to a larger peace process. During the revolution in Santo Domingo in 1965, a humanitarian ceasefire was arranged by the International Committee of the Red Cross to allow for the removal of the wounded and sick from the conflict zone. The ceasefire, intended only to allow the Red Cross to accomplish their mission, was extended by agreement between the belligerents and eventually brought an end to the fighting.[66]

It is evident that the negotiation and implementation of a humanitarian ceasefire can sometimes have a salutary effect on conflict. It may serve to moderate the intensity of a particular conflict by introducing moral and humanitarian values. It may also demonstrate to the belligerents that peaceful cooperation is not only possible but necessary in order to achieve some of their goals. Finally, humanitarian ceasefires can, on occasion, provide the necessary impetus or opportunity for moving the warring factions to settle their dispute through negotiated means. Beyond these important but often incidental contributions made by humanitarian ceasefires to the process of conflict resolution, it remains to be seen how these efforts conform with the literature on conflict resolution theory.

3.3 Humanitarian Ceasefires and Conflict Resolution Theory

One of the criticisms made against ceasefires is that the breathing space they provide prepares the ground for more intense fighting. This, says Bailey, is because that breathing space is not put to good use.[67] On one level, where the identified need is fulfilled, the time provided by a humanitarian ceasefire is more than adequately exploited. Yet, one has to ask if the process of a humanitarian ceasefire can not more directly contribute to the resolution of conflict.

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[66] Yves Sandoz, "The Red Cross and Peace: Realities and Limits," *Journal of Peace Research*, 24:3 1987, p.293; Also see: Pierre Jequier, "How a Humanitarian Truce was Brought About in Santo Domingo. Letter from Pierre Jequier, Delegate of the International Committee of the Red Cross to the ICRC," *International Review of the Red Cross*, No. 52, July, 1965, pp. 362-364; and, Luis F, Fernandez Martinez, "Santo Domingo. A Report Submitted to the International Committee of the Red Cross, Geneva," No. 58, January, 1966, pp. 30-34.

[67] Bailey, *supra* note 18, p. 3.

John Burton complains that the traditional approach to conflict resolution, to which peacekeeping responds, tends to institutionalize conflict without resolving it.[68] Peacekeeping, he says, is typical of judicial settlements which favour existing values and structures. Yet, according to Burton, conflict is truly resolved only when the outcome is self-supporting. This requires that a new relationship be freely negotiated by, and wholly acceptable to, the disputants. For this to happen, communication between the parties must be established, even during the fighting, either directly or through third parties. Burton argues that communication alters the perceptions of the parties and thus their relationship.

Burton and others offer an alternative to traditional "power politics" theories of conflict resolution.[69] Those theories define conflict as a product of the competition over scarce resources. Conflict occurs when the interests of the parties, territorial interests for example, are in dispute. According to this interest-based theory of conflict, a gain by one side entails a loss by the other. Conflict is resolved by methods -- deterrence, coercion, negotiation and legal or judicial settlement, to name a few -- that result in compromise of one form or another.

Contrary to this viewpoint, Burton, as we have seen, maintains that conflict is seldom purely interest-based. He posits, instead, that unfulfilled needs or values are the main causes of disputes. These basic human needs, for things such as security, identity and human development, are limitless resources, common to all and not subject to, or requiring, compromise. Importantly, a gain by one on the scale of human needs does not imply a

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[68] Sidney Dawson Bailey, "Peaceful Settlement of International Disputes Some Proposals for Research," in, K. Venkata Raman (ed.), *Dispute Settlement Through the United Nations*, New York: United Nations Institute of Training and Research, 1977, p. 116.

[69] See: John Burton, *Conflict and Communication*, London: Macmillan, 1969; Leonard W. Doob (ed.), *Resolving Conflict in Africa: The Fermeda Workshop*, New Haven: Yale University Press, 1970; and, Ronald J. Fisher, "Third Party Consultation: A Method for the Study and Resolution of Conflict," *Journal of Conflict Resolution*, vol. 16, (March 1972), pp. 67-94.

loss by another. It follows also that since compromise over needs is not possible, certain of them will be pursued regardless of the consequences.[70]

Burton concludes that one must understand the underlying sources of conflict prior to selecting a method of resolution. For conflicts in which only interests are in dispute, traditional means of resolution may be appropriate. For others, in which the sources of conflict are more complex, traditional means of resolution may not suffice and therefore different techniques may be required.[71]

The technique to which Burton subscribes is called problem-solving. It is a process whereby specialists in conflict resolution, known as facilitators, meet in small private discussions or workshops with representatives of the parties engaged in international conflict. The purpose of these workshops is to discover the underlying sources of conflict. The process is for the facilitator -- an individual or a small group of specialists -- to aid the parties in analyzing their relationship, arrive at a common definition of that relationship, define their separate goals and, by jointly exploring means for analyzing and resolving the conflict, discover resolution options that satisfy everyone's needs.[72]

Like Burton, Rothman argues that conflict is often both interest-based and needs-based. He says that for conflicts of this type, it will be necessary to supplement traditional bargaining approaches with alternative methods that address the needs of the disputants. This supplemental approach should include methods to help adversaries frame their problems in common, articulate a shared agenda for collaborative problem-solving, and design solutions that truly address the underlying causes of conflict.[73]

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[70] John W. Burton, *Resolving Deep-Rooted Conflict. A Handbook*, Lanham, MD: University Press of America, 1987, p. 16.

[71] See: Burton, *Ibid.* and, Jay Rothman, "Supplementing Tradition: A Theoretical and Practical Typology for International Conflict Management," *Negotiation Journal*, vol. 5, No. 3 July 1989, p. 266.

[72] See: Burton, *supra* note 72, p. 7; and, Fisher, *supra* note 71, p. 70.

[73] Rothman, *supra* note 74, p. 271.

While the negotiation of a humanitarian ceasefire is not a direct attempt to resolve conflict, it shares with the theories of Burton, Rothman and others, a common analysis of the underlying causes of conflict. It is not surprising, then, that in method too, even if only incidentally, the process of implementing and carrying out a humanitarian ceasefire results in some of the activity for resolving conflict recommended and utilized by the non-traditional conflict theorists.

One of the purposes of the problem-solving workshops is to provide the opposing parties with insights into their own behaviour and that of their opposites. The aim is to modify the attitudes or realign the perceptions that the parties have of each other. Ultimately, this should contribute to de-escalation of the conflict, extend the range of choices of functional cooperation and present conflict as a problem to be solved, not a contest to be won.[74]

False perceptions of the enemy, and propaganda used to reinforce them, are dysfunctional aspects of most armed conflicts. Warren Ashby, a Quaker who was involved with both India and Pakistan just prior to the outbreak of war between the two in 1965, reported that he had become acutely aware of the distortions, delusions, and falsifications with which each nation looked at each other.[75] A graphic example of propagandization aimed at reinforcing false perceptions is the following exhortation to the Iranians broadcast on a Tehran radio station during the Iran-Iraq conflict:

> The enemy soldier is not human. He is bred from the dirty seed of bestiality. He is a germ of savagery, a hyena in human clothes, a dirty swine with poisoned blood in his veins.[76]

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[74] Burton, *supra* note 71, p. 157.

[75] Yarrow, *supra* note 16, p. 156.

[76] William Bilski and William Lowther, "Talking Peace in War," *Macleans*, 101:33, 8 August 1988, p. 19.

The provision of assistance during a humanitarian ceasefire can contribute to correcting the false perceptions that disputants may have of each other. Mohammed writes that providing relief within a conflict situation encourages the cooperation of people from different communities, building trust by identifying and working on problems of mutual concern while minimizing the sources of dispute.[77] Interestingly, he describes the role of aid-giver in this context as that of facilitator rather than provider.

When parties in armed conflict cooperate in a humanitarian effort, for example, the immunization of young children, they may change their perceptions of each other. They may no longer be able to sustain the fiction that members of the other side are sub-human or a near facsimile. Instead, like the ideal conclusion of a problem-solving workshop, disputants may see that their antagonists are men of good will who subscribe to opposing viewpoints with an intensity and conviction as strong their own.[78] In that event, a humanitarian ceasefire may serve, in some small way, to de-escalate the conflict.

A prerequisite for negotiators who hope to implement successfully a humanitarian ceasefire is that they be perceived by the disputants as neutral and impartial. This, of course, is why Jim Grant insisted that no one use the immunization ceasefire in El Salvador to advance their own political ends and why he insisted upon giving credit to all for the success of the enterprise. Repeated or consistent application of humanitarian aid can bolster further the reputation of the supplier as an impartial, neutral and, therefore, trusted and respected third party. That reputation may then be traded upon by the aid-giver to interject itself more forthrightly into the conflict resolution process.

This interjection may take several forms. For example, during the India-Pakistan war of 1965, the Quakers formed the Pakistan-India Advisory Group. It included State

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[77] Abdul Mohammed, "An NGO Perspective on Humanitarian Assistance and Conflict: A Case Study of Sudan," Paper Prepared for: An International Workshop on Humanitarian Emergencies and Conflict Resolution: Consultations on Africa, 7-9 March 1989, Harare, Zimbabwe, p. 4.

[78] Doob, *supra* note 14, p. 116.

Department officials, high officials in the World Bank, three professors, and a foundation director, all Quakers acting in their private capacity. This group travelled between the two countries to listen to what was going on in the minds of Indians and Pakistanis. Yarrow says their tactic was to listen, but, with questions. The questions did not relate to the central political issue but had the objective of creating situations where questions of mutuality of interests could be raised.[79]

Similarly, during the Sudan Conflict of 1963-72 the World Council of Churches (WCC) sponsored a study called, "The Sudan Conflict: Its History and Development." This independent diagnosis of the conflict was presented to the warring parties by the WCC. The study was an attempt to put the conflict into proper perspective. It clarified and focused the objective basis for the underlying issues of the conflict for each of the parties involved.[80]

Beyond these fact-finding or issue-clarifying roles, the continued provision of humanitarian assistance may make the aid-giver the natural person or organization for the belligerents to call upon should they seek mediation. Witness the experience of the Quakers during the Nigerian civil war. During one discussion with a government official about relief operations in the fall of 1969, the official asked the Quakers if they didn't think it would be time to sample the political climate for negotiation on both sides of the conflict.[81]

Such a request made of those providing aid should not seem strange. The delivery of relief usually puts the aid-giver in close contact with the policy-makers in the recipient country. At the same time, it fixes the aid-giver in the mind of the warring parties as an impartial and neutral organization, interested only in the welfare of the people. It would in fact be surprising if, during the frequent contacts necessary for the management of relief

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[79] Yarrow, *supra* note 16, p. 161.

[80] Hizkias Assefa, *Mediation of Civil Wars: Approaches and Strategies --The Sudan Conflict*, Boulder, Colorado: Westview Press, 1987, p. 169.

[81] Yarrow, *supra* note 16, p. 231.

operations, the government or the rebels in question did not seek out the aid-giver as a possible dispute mediator.

How does the aid giver measure up as mediator? Oran Young postulates that any potential intermediary must possess certain resources and capabilities.[82] Intermediaries must be impartial and independent, with nothing to gain from the disputants or from a third-party with an interest in the conflict. They must possess certain ascribed resources. These include: salience; the prominence of the mediator in the eyes of the protagonists; respect, derived from the mediators status, credentials, or the feeling on the part of the protagonists that the third party empathizes with their problem; and continuity, the feeling that the mediator will hang in over the long haul. In addition, the potential mediator should have the knowledge and skill needed to deal with the issues. Also required are certain requisite physical resources, such as transportation and communication equipment, or verification capabilities. Finally, the mediator must possess leverage, the ability to put pressure on one or both parties to accept a proposed settlement.

Though Young identifies NGOs, such as the International Committee of the Red Cross (ICRC), as one of several different potential mediators, he criticizes them for being weak in too many of the necessary resources. He argues that their only strength lies in the areas of impartiality and independence.[83] But the process of negotiating a humanitarian ceasefire and the experience of carrying it to a successful conclusion would tend to increase the NGOs ascribed resource base. This would be especially true if, like in El Salvador, the experience was repeated annually. It would be hard to deny, for example, that UNICEF has not acquired the resources of salience and respect among the people of El Salvador. Indicative of this were the banners carried by some of the people during the days of tranquillity which said, "UNICEF the people are grateful to you for the vaccines," and,

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82 Oran Young, *The Intermediaries*, Princeton, New Jersey: Princeton University Press, 1967, pp. 80-91.

83 *Ibid.*, p.108-109.

"UNICEF we admire your work and are very grateful for coming to vaccinate the children of El Salvador."[84]

This is not to say that in a humanitarian ceasefire the progression from aid-giver to mediator will be the natural course of events. But the initiation of, and participation in, a humanitarian ceasefire has, on occasion, lead to requests by the government concerned for increased involvement on the part of the NGO in the developmental affairs of the country. In its *Lebanon Annual Report* for 1987 UNICEF noted that the success of the immunization campaign prompted both the President and the Prime Minister to request that UNICEF participate in a larger project of assistance to meet the basic relief needs of the poorer half of the population.[85] In El Salvador, as well, the success of the immunization ceasefires prompted requests for greater UNICEF participation in that country. In fact, one Salvadoran official acknowledged that increased UNICEF involvement in El Salvador had implications not only for development but for peace:

> This is a great achievement and we owe it to UNICEF. That is why we ask UNICEF to increase its activities in our country, but we ask also for a greater presence from your agency and urge it to act as a factor of peace and neutrality.[86]

Humanitarian ceasefires can be the thin edge of the wedge for humanitarian organizations, leading to increased development related activities in countries at war. This, alone, has significant implications for peacebuilding. But beyond this, the increased level of involvement, and the interaction with, and service to, the population that it entails, can only help the humanitarian organization accumulate the ascribed resources, such as saliency, respect and continuity, that Young says are a requirement for the successful mediator.

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84 Letter from Agop Kayayan to James P. Grant, 5 March 1985.

85 UNICEF, *supra* note 49.

86 Pelle, *supra* note 35, p. 19.

Even if humanitarian organizations manage, through their activity, to accumulate these resources, Young is still critical of them for lacking one of the resources most important for mediation; leverage with the combatants. Yet this is not always true. Sometimes the relief promised is a form of leverage. Assefa observes that the involvement of the WCC and the All Africa Conference of Churches (AACC) as aid-givers in Sudan dated back to 1965. In their attempt to mediate the conflict they resolved that no aid would be delivered prior to the commencement of negotiations on a permanent settlement.[87] They reasoned that only a political settlement might end the civil war without which the aid would achieve very little.[88] Assefa says that several times during the peace process, the WCC and the AACC seem to have utilized the aid factor as an important incentive for the parties to make peace by making reconciliation a corequisite, if not a prerequisite, for their promises to provide relief.[89] It is not too farfetched to speculate that, in the Khartoum meetings leading to the Plan of Action for OLS, the prospect that aid might be withheld, was a contributing factor in the decision of the Sudanese government to seek peace negotiations with the rebels.

There are even those who argue that leverage is sometimes not a necessary resource for mediation. Yarrow, in fact, argues the opposite. He contends that, in some cases, a mediator's lack of political power might facilitate success rather than hinder it. He says that the credibility of Quaker conciliation was based on its non-political nature, its inability to call down sanctions of any kind: "This enabled them to be accepted and listened to as human beings of integrity by both sides."[90]

Indeed, with civil wars making up a large portion of the armed conflicts being waged today, humanitarian NGOs, rather than governments, may be more appropriate third parties

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87 Assefa, *supra* note 82, p. 116.

88 *Ibid.*, p. 99.

89 *Ibid.*

90 Yarrow, *supra* note 16, p. 256.

in the early stages of the conflict mediation process. For example, in the El Salvador case, the government refused to negotiate in any way with the FMLN. Their overriding concern was that negotiations with the guerrillas would confer on them a legitimacy the government was not ready to bestow. For the same reason, the government, would likely have been reluctant to allow an outside government to mediate with the rebels. But, because of their status as an NGO, the Salvadoran government was willing to let UNICEF, through the good offices of the Catholic church, make contact with the rebels.

Yarrow points to a similar pattern in the Nigerian civil war. He says that official bodies, such as the Organization of African Unity (OAU) and the UN, or governments, such as the United States or Great Britain, could not visit Biafra or make contact with the Biafran rebels because Nigeria feared that they might give the breakaway state a legitimacy to which the Nigerian government insisted it was not entitled. The Quakers, says Yarrow, were not expected to operate under such inhibitions.[91]

Compounding this complication for governmental bodies is Article 2(7) of the UN Charter which forbids members from intervening in matters that are essentially within the domestic jurisdiction of any state. Again, humanitarian NGOs are bound by no such restrictions.

3.4 Obstacles and Problems

A humanitarian ceasefire is a tentative affair. The longer the period of time that is agreed upon for the ceasefire, the greater the chance that the ceasefire will fall apart. Even when the period of time is short, there is never any real guarantee that both sides will abide by their unilateral commitments. In El Salvador, the two sides did not trust each other to stop fighting for more than one day. In Sudan, there were sporadic attacks on the convoys delivering relief. There were also, in some instances, endless delays in getting the relief vehicles moving.

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91 *Ibid.*, p. 279.

Most importantly, after the allotted time for the ceasefire has run out, the belligerents often renew their fighting. Following the ceasefires in both Lebanon and El Salvador the battles were rejoined with a vengeance. In Sudan, the latest indications are that the peace process has broken down. These developments make it hard to convince anyone that there is a contributory role played by humanitarian ceasefires in the resolution of conflict.

Like peacekeeping, a humanitarian ceasefire itself cannot be expected to resolve a conflict. If the potential which is inherent in the ceasefire is not capitalized upon to full advantage, then that potential is wasted. As is the case with war, peace does not have one identifiable cause. Instead, it is made up of many strands, each depending on and supporting the other. In the next section we will look more closely at the web of peace. We will pay particular attention to how the traditional and non-traditional approaches to conflict resolution examined in this paper can interact to build a sturdy web.

CHAPTER 4: CONCLUSION: THE WEB OF PEACE

4.1 Combining Traditional And Non-Traditional Approaches to Conflict Resolution

Mircea Malitza provides an enlightening depiction of the three concepts around which the web of peace is woven:

> When along a river, whose waters are disputed between two neighbouring states, clashes started and a neutral force was interposed to separate the antagonists and to contain the conflict until it is solved, we have a clear case of peacekeeping. If there are at the same time, negotiations inspired or assisted by a neutral party, convened peacefully to solve the dispute, we are in the condition of peacemaking. But if the two countries build a dam on the river together or initiate a plan of regularization to benefit both, perhaps with international help, we are in the midst of peace-building action.[92]

More than the progression from ceasefire through truce and armistice to, finally, accord, these concepts of peacekeeping, peacemaking and peacebuilding represent a process which is more likely to culminate in a true state of peace. At the same time, they are interactive concepts rather than distinct steps.

The notion that peacemaking should follow or parallel peacekeeping has always been crucial to the UN approach to conflict resolution (if it has not always done so, this has often been due more to an absence of the requisite will exhibited by the combatants than to the lack of effort on the part of the UN). Yet, there has been little systematic thought given to the interrelationship between peacebuilding and peacekeeping.

There is good reason to begin now to analyze this relationship. First, since winning the 1988 Nobel prize for peace, peacekeeping forces have been held in high esteem. Second, some analysts have observed that now, for the first time, there is virtually

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[92] Mircea Malitza, "The Improvement of Effectiveness of United Nations Peacekeeping Operations," in, United Nations Institute for Training and Research, *The United Nations and the Maintenance of International Peace and Security*, Boston: Martinus Nijhoff Publishers, 1987, p. 250.

unanimous international agreement, including the Soviet Union, for promoting the concept of peacekeeping operations to monitor and tranquillize areas of conflict.[93] Third, peacekeeping analysts seem to have a desire to see the scope and variety of peacekeeping operations broadened beyond their traditional roles.[94] Finally, as Malitza argues, peacebuilding must return to the forefront of international action if peacekeeping and peacemaking are to achieve their greatest potential.[95]

An analysis of the relationship, or potential relationship, between peacebuilding and peacekeeping should proceed on two fronts. On the one hand, we should examine the contribution that peacekeeping forces can make to various peacebuilding efforts. On the other hand, and this is somewhat of a reversal of the first approach, we should assess the contribution that various peacebuilding efforts can make to further the cause of peacemaking inherent in any peacekeeping operation.

Peacebuilding is defined by Malitza as the deliberate and systematic buildup of interactions between parties, initiating a state in which the resumption of conflict is improbable. He cites, as the focus of potential peacebuilding efforts, all the campaigns that are on the agenda of the UN and its specialized agencies, involving food, energy, water, health, habitat, transportation, communication, and education.[96] The provision of humanitarian assistance during a ceasefire would, under Malitza's definition, fall into a

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[93] Sir Brian Urquhart, "The Future of Peacekeeping," Cornelis Van Vollenhoven Memorial Lecture. Leiden University, 22 November 1988, p. 6. Urquhart says in this paper that for the first time the permanent members of the Security Council seem to be on their way to becoming a collegial body, consulting together to evolve common approaches and solutions to question of international peace and security.

[94] Indar Jit Rikhye, "Future of Peacekeeping," Paper delivered to the Joint NUPI-IPA workshop on: "The UN and Peacekeeping: Results, Limitations and Prospects -- The Lessons of 40 Years Experience," Oslo, Norway, 12-14 December 1988, p. 46; Also see: Wiseman, *supra* note 27, p. 1.

[95] Malitza, *supra* note 92, p. 251.

[96] *Ibid.*

category of peacebuilding. This type of enterprise then, provides a useful focal point around which to examine the interrelationship between peacemaking and peacebuilding.

4.2 The Potential Role of Peacekeeping Forces in a Humanitarian Ceasefire

Introduce the idea of a role for peacekeeping forces in a humanitarian ceasefire to most hardened peacekeeping veterans and it will be met with polite skepticism. Yet the grounds for such a role are found in the raison d' etre ascribed to peacekeeping forces by some analysts. For example, Heiberg and Holst advise that peacekeeping operations are designed, not only to prevent conflicts from escalating to the level of major threats to international peace and security, but they are also intended to prevent such conflicts from resulting in intolerable human suffering.[97] Wiseman interprets the broad function of peacekeeping forces to be that of supporting a relief effort of a higher order: "Relief from violence, war and the threat of death is the gift of peace, however transitory, that a ceasefire bestows on belligerents and non-combatants alike." The Blue Berets, he says, are an affirmation that a ceasefire will hold.[98]

Those analysts who have suggested a broader scope for, and more varied use of, peacekeeping forces, have broached, if cautiously, a possible role for these forces in the delivery of humanitarian aid. Rikhye conjectures that there is a position for peacekeeping forces in providing security assistance to humanitarian aid but not without problems. Unlike other analysts, however, he points out that these problems would be no more insurmountable than those encountered in normal operations.[99]

There are two questions that need to be answered before we proceed. Why involve peacekeeping forces in a humanitarian ceasefire? Should they be involved, what role can peacekeeping forces play in the operation?

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[97] Marianne Heiberg and Johan J. Holst, "Keeping Peace in Lebanon: Assessing International and Multinational Peacekeeping," *NUPI Notat*, No. 357, June 1986, p.3.

[98] Wiseman, *supra* note 27, p. 17.

[99] Rikhye, *supra* note 96, p.91.

The basic answer to the first question is that, since the ultimate goal of peacekeeping is to contribute to the resolution of conflict, every reasonable opportunity to do so should be seized. Beyond that, peacekeeping forces can bring certain relevant skills to bear which can contribute to the more certain success of the ceasefire. It is at this point that we begin to answer the second question.

A humanitarian ceasefire is an informal arrangement, and neither side involved provides the other with any assurance that they will not unilaterally break the ceasefire. In El Salvador, this meant that the protagonists felt they could not trust each other enough to halt the fighting for more than one day at a time.

The introduction of a peacekeeping force to monitor the ceasefire arrangement might help alleviate this problem. It could instill greater confidence in both sides that the informal arrangement would be respected. This, in turn, could allow for the negotiation of a longer ceasefire. As Kjell Skielsbaek notes, military forces opposing each other along a ceasefire line are less inclined to start firing, or trying to improve their respective positions if they are convinced that such a move will be reported or resisted by an international and impartial peacekeeping force.[100] The presence of a peacekeeping force accompanying the modes of transport might have proved valuable in OLS, where there were sporadic instances of relief vehicles being attacked and robbed by unidentified assailants, with, in some instances relief workers being killed.

The neutral and impartial character of peacekeeping forces makes them ideal for participation in a humanitarian operation, and means that their presence, or potential presence, should not be a factor complicating negotiations with the warring parties. In fact, a mandate, stipulating that the force would be in place only for the time it takes to complete the successful delivery of the assistance, might help allay any fears the belligerents

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[100] Kjell Skjelsbaek, "Peaceful Settlement of Disputes by the United Nations and Other Inter-governmental Bodies." *Nupi Notat* No. 350, March 1986, p. 8.

may have of becoming embroiled in an arrangement more permanent than they had originally intended.

Aside from monitoring a humanitarian ceasefire, peacekeeping forces could assist in the delivery and application of the humanitarian aid. Gordenker and Weiss point out that military forces usually offer certain technical capacities that could be adapted for use in humanitarian emergencies.[101] The *Peacekeeper's Handbook* specifies that a force's logistics and transport capacity enables it to undertake immediate, large scale distribution of relief. Significantly, it points out also that UN medical teams can be made available for emergency and special cases to supplement the work of the Red Cross.[102]

The United Nations Operation in the Congo (ONUC) is the most oft-cited precedent legitimizing the use of peacekeeping forces to deliver humanitarian assistance. Liu observes that, during the four years of its operation (1960-1964), ONUC protected countless civilians affected by the turmoil, provided them with extensive humanitarian assistance in various forms, and saved many from the death trap of political struggle, tribal warfare, famine and disease.[103]

A similar precedent was set by the United Nations Forces in Cyprus. It has been said that UNFICYP provides a good indication of the part a military element of a peacekeeping force can play in a humanitarian relief operation and the extent to which it

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101 Leon Gordenker and Thomas G. Weiss, "Humanitarian Emergencies and Military Help: Some Conceptual Observations," Paper prepared for and International Workshop on Humanitarian Emergencies and Conflict Resolution: Consultations on Africa, 7-9 March 1989, Harare, Zimbabwe, p. 25.

102 International Peace Academy, *supra* note 20, p. 248.

103 F. T. Liu, "The Significance of Past Peacekeeping Operations in Africa to Humanitarian Relief," Paper prepared for an International Workshop on Humanitarian Emergencies and Conflict Resolution: Consultations on Africa, 7-9 March 1989, Harare, Zimbabwe, p. 3.

could be expected to undertake social and humanitarian responsibilities in support of UN specialized agencies and international organizations.[104]

The inclusion of a peacekeeping component to complement the delivery of relief during a humanitarian ceasefire would fulfil the desire of those who wish to see the tasks of peacekeeping forces expanded. At the same time, it could benefit the forces themselves by providing them with peacekeeping experience in various parts of the world. The *Peacekeeper's Handbook* stresses the importance of such experience. It notes that preparation and preparedness training for the armed forces of those countries who are members or potential members of the "peacekeepers club" would assist substantially in bringing about an earlier operational effectiveness of the peacekeeping forces.[105]

What better advanced training is available than participation in a temporary ceasefire in a geographical area where some day those same peacekeeping troops may be called upon to police a more permanent ceasefire? This experience, and the consequent exposure of the forces to the local population, would build familiarity and trust between the groups, especially if humanitarian activities were undertaken by the peacekeeping troops. This could only stand the Blue Helmets in good stead should they be called upon to return in a more traditional operation.

To these suggestions it will be objected that peacekeeping forces are rarely inserted into a situation of ongoing conflict where a ceasefire has not been negotiated. It will also be objected that the expense of any peacekeeping operation will mitigate against the deployment of a force for the short period of time required for a humanitarian ceasefire.

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104 International Peace Academy, *supra* note 20, p. 244. Whether the circumstances in Cyprus warrant description as a situation in which relief was delivered during a time of armed conflict may be disputable. But some take the view that peace was not really established in Cyprus until 1974, ten years after the deployment of UNFICYP. See: Major-General J. A, MacInnis, "Cyprus -- Canada's Perpetual Vigil," *Canadian Defence Quarterly*, 19:1, Summer 1989, pp. 21-26.

105 International Peace Academy, *supra* note 20, p. 37.

Yet, as some have suggested, a "new era" in peacekeeping is beginning, then these objections may soon be called into question.

Alternatively, there has been talk of creation by the UN of a separate peacekeeping organization, a "Green Helmet" force, which could respond to natural disasters. If involving the Blue Helmets in a humanitarian ceasefire is too complicated, then perhaps these Green Helmets could be geared toward attending to this kind of situation. Germany and Japan, who are prohibited from providing military components to peacekeeping operations, but who are nevertheless eager to get involved in peacekeeping, might be suitable candidates to spearhead a Green Helmet force.[106]

Wiseman is a strong proponent of a new type of peacekeeping endeavour, such as a humanitarian support operation. He envisions that some day the UN might be used as a "bully pulpit", so that if either a government or insurgent force was to deny humanitarian assistance to any civilian group, then a UN force could be mobilized to ensure delivery of such assistance.[107]

4.3 Humanitarian Assistance During a Peacekeeping Operation

The notion that a UN peacekeeping force could take an active part in a humanitarian ceasefire may seem fanciful to some. Less heretical is the notion that the presence of a peacekeeping force to monitor a traditional ceasefire also provides the opportunity for the delivery of humanitarian aid. A concerted effort to provide such assistance with the full participation of the peacekeeping forces in place, may not only contribute to the success of the peacekeeping operation, but may also further the peacemaking effort.

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[106] The possibilities for a Green Helmet force were raised during the author's discussion with Lt-Col. George Boulanger, Head of Military Training and Peacekeeping Section, Department of External Affairs and International Trade, Canada.

[107] Henry Wiseman (rapporteur), "Conclusions by the Chairman," The International Workshop on Humanitarian Emergencies and Conflict Resolution: Consultations on Africa, 7-9 March 1989, Harare, Zimbabwe, p. 6.

The *Peacemaker's Handbook*, again, practically prescribes this kind of activity during the course of an operation. It advises that peaceful intervention, unless matched by allied initiatives aimed at the making and building of peace, will simply preserve the status quo and ultimately prove counterproductive. Because peacekeeping is based on an objective approach, says the *Handbook*, there is a greater chance of peacemaking and peacebuilding being successful in the militarily stable and tension-free situation that peacekeeping provides.[108]

Heiberg, in turn, argues that the nature of the relationship a peacekeeping force achieves with the population within its area of control is a decisive element determining the operation's success or failure. She says "a relationship to local civilians built on communication and confidence is a necessary factor for success.[109]

Heiberg and Holst maintain that part of the reason for the relative success of the United Nations Interim Force in Lebanon (UNIFIL) was the attention given by UNIFIL to the provision of humanitarian and development assistance in their area of operation. They explain:

> Development and humanitarian assistance, together with the social relations it created, has generated a strong sense of trust and loyalty on the part of the local population towards the UN forces. This loyalty has been crucial to UNIFIL's ability to operate successfully...[110]

Others too have argued that the effectiveness of a peacekeeping operation and the cause of peacemaking can only be enhanced by the provision of humanitarian assistance,

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[108] International Peace Academy, *supra* note 20, p. 23.

[109] Marianne Heiberg, "Peacekeeping and Local Populations: Some Comments on UNIFIL," Paper presented to the Joint NUPI-IPA Workshop on "The UN and Peacekeeping: Results, Limitations and Prospects -- The Lessons of 40 Years Experience, " Oslo, Norway, 12-14 December 1988, p. 2.

[110] Heiberg and Holst, *supra* note 97, p. 22.

either by the forces themselves or by a civilian unit or agency attached to them.[111] Those attempting to foster peace through the provision of humanitarian aid would be well advised, then, to broaden their approach. They should consider not only arranging ceasefires specifically for the purpose of carrying out a humanitarian action but taking advantage also of those ceasefires already in place, where humanitarian action can further the cause of peace.

4.4 Summary of Findings

It is safe to say that the traditional approach to conflict resolution practised by the UN and the non-traditional approach, represented in this paper by the concept of a humanitarian ceasefire, are compatible and perhaps even complementary concepts. Each in its own fashion can contribute to the resolution of conflict. Each brings to that task certain attributes that are laudable. Peacekeeping attempts to provide conditions in which negotiation or mediation to end the conflict can proceed. Peacebuilding, the category that includes the humanitarian ceasefire approach, aims to instill in the belligerents a spirit of cooperation, from which may come the realization that problems can be solved through peaceful means.

One of the more important points raised in this paper is that these two approaches to conflict resolution would benefit if they were used to supplement each other. The participation of peacekeepers in a humanitarian ceasefire might make these operations less tentative. It might also provide an excuse for early and formal UN intervention in a conflict. Rikhye says that, without exception, the operational plans of states that go to war include an estimate of the period of time available for fighting before the UN intervenes. By implication, argues Rikhye, if not by intention, most member states expect, and sometimes hope, for UN intervention leading to peacekeeping.[112] An understanding among

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[111] See: Henry Wiseman, *supra* note 106, p. 6; Gordenker and Weiss, *supra* note 100, p. 17; and, Major-General Gunther G. Greindl, "Peacekeeping and Peacemaking. The Need for Patience," Paper presented to the Joint NUPI-IPA Workshop on : "The UN and Peacekeeping: Results, Limitations and Prospects -- The Lessons of 40 Years Experience," Oslo, Norway, 12-14 December 1988.

[112] Rikhye, *supra* note 94, p. 3.

the members of the UN that, when the need arises, peacekeeping forces will be dedicated to protect the delivery of, or provide themselves, humanitarian assistance in areas of armed conflict, could serve as an excuse and an opportunity for the UN to intervene in situations of deadly quarrels where, intervention might not otherwise be justifiable. Moreover, if Rikhye is correct, in a large number of cases early UN intervention might be welcomed by the belligerents.

The lack of peacemaking as an element of many peacekeeping operations is the single greatest criticism of that enterprise. Making the provision of humanitarian assistance, where possible, a systematic component of peacekeeping operations will likely contribute to the success of those operations and to the peacemaking endeavour. While there is no guarantee that peacemaking will follow from peacebuilding, the latter does tend to provide a fertile environment and congenial atmosphere for the former.

Finally, let it be said that peacebuilding as defined by Malitza is too restrictive a concept. Peace is constructed from all the raw material available to diplomats, academics, peace activists and concerned citizens that contributes to the resolution of conflict or the maintenance of international stability. The traditional approach to conflict resolution practised at the UN and a non-traditional approach, exemplified by the activity involved in a humanitarian ceasefire, are merely different strands of the same web-like structure of peace. To complete the web each strand must be used. Maybe then the world's nations and its people will be caught in the tangle.